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SUBJECT: MEXICO: BUILDING AN EFFECTIVE HUMAN RIGHTS
STRATEGY

REF: A. MEXICO 2780
[1](#)B. MEXICO 3443
[1](#)C. MEXICO 3455
[1](#)D. MEXICO 3501

[1](#)1. (SBU) Summary: The Country Team is working on three coordinated tracks on a human rights engagement strategy that will enhance our ability to work more closely with the GOM and the Mexican military; establish a regular working dialogue with the human rights community; and support the work of civic participation groups in building a national consensus against violence and criminality. This cable updates our progress on each of the three tracks. End summary.

State of Play

[1](#)2. (SBU) Through our dialogue with the NGO community we have identified four priority areas that will help guide our efforts: investigation and prosecution of alleged violations; transparency and accountability mechanisms; improvement of GOM-NGO dialogue and safety assurances for victims and advocates; and benchmarks for tracking progress. These priorities have been shared with the SRE and will be incorporated into the agenda of a new bilateral dialogue on human rights. Draft diplomatic notes have been exchanged, and we expect to finalize them in January to create a U.S.-Mexico Bilateral Human Rights Dialogue.

[1](#)3. (SBU) Listed below is the state of play in each category. More detail is provided in subsequent sections.

-- Government and Military: In October, the Foreign Relations Secretariat (SRE) formally communicated the GOM's willingness to begin a new bilateral dialogue on human rights that would include the National Defense Secretariat (SEDENA) and various key ministries. We accepted that offer in principle, but suggested some enhancements (see below) that would strengthen the initiative. SRE Undersecretaries Gomez Robledo (Human Rights) and Ventura (North America) asked for an opportunity to review our proposal before we delivered it through formal channels. Deputy Secretary Lew raised the issue during his November 23 visit, and we expect a response early in January. Meanwhile, we are working with NORTHCOM on its engagement strategy on human rights with the military, a key element for the bilateral dialogue once we begin.

-- Human Rights NGO Community: Since our initial meeting in September (ref A), we held a second meeting to hear ideas

for enhancing transparency, supporting victims and safeguarding advocates. The follow-up meeting led us to focus on specific initiatives, such as encouraging the National Commission on Human Rights (CNDH) to review and report on victim assistance and protection by the GOM. We have met with the new CNDH President, Raul Plascencia (septel), and with some key political insiders to explore some ideas; the Ambassador will follow up with Plascencia and with various leaders in the Congress early in 2010 to see how we can move forward on them.

-- Civic Participation Groups: Finally, we continue our close collaboration with civic participation and new media groups on ways to build support for a national campaign against violence and crime. This effort will require the release of approved funds by International Narcotics and Law Enforcement (INL) to USAID if we are to sustain our efforts and advance Mexico's overall human rights progress.

Track One: Cooperation with GOM on Human Rights

¶4. (SBU) We are currently waiting for the SRE's comments on our suggested enhancements, provided in late November, to its formal offer of a new bilateral working dialogue on human rights. The Foreign Ministry's offer proposed three meetings a year for a new dialogue to include SRE, SEDENA, Secretariat of Governance (SEGOB), and eventually "other agencies of the Mexican government." SRE also proposed including the UN Office of the High Commissioner on Human Rights (OHCHR) and

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the International Red Cross, if relevant to the issues being raised. The Ambassador suggested that the agenda specifically include the four priority areas (para. 2). We also proposed to clarify that informal meetings could take place between formal sessions, and that the human rights dialogue would complement discussions in the bilateral defense working group set to begin in February. The latter was proposed in connection with recent senior military and defense visits to Mexico and Washington, with the purpose of engaging on bilateral defense matters, including human rights issues. The Ambassador also suggested that we include the Mexican Navy (SEMAR) in the dialogue and establish a channel between DOD and SEDENA lawyers to strengthen the military justice system and its autonomy, as well as include more human rights in military training.

¶5. (SBU) Gomez Robledo said that SEDENA had come a long way in terms of its willingness to engage on human rights, but progress had been the result of a slow and painstaking effort. Going too fast could cause the military to hunker down and resist the modernization that we are looking for. The Ambassador noted SEDENA chief Galvan's request to Northcom Commander Renuart for a JAG training program, and similar discussions during the visit of Deputy Undersecretary Stockton related to the defense bilateral working group.

Ambassador to SRE: Need a Systematic Approach

6. (SBU) The Ambassador noted the need for a systematic approach that would help respond to the issue of specific violations. There were several lists of alleged cases that were circulating among NGOs and in Congress but no organized effort on the steps that were being taken to respond. A senior Human Rights Watch official from Washington recently shared his ongoing efforts with SEGOB Minister Gomez Mont to identify some illustrative cases involving violations that had been handled appropriately in the Mexican military justice system. Of the 12 that were identified, eight predated the Calderon administration, three were clearly not human rights cases, and one that was alleged to be illustrative was a civil traffic accident. This list of

violations and investigations for the Calderon Administration was not convincing. A better understanding of the military justice system, a better understanding of how to respond to legitimate questions on specific cases, a better dialogue with NGOs, and some criteria to evaluate progress in the future would help provide more transparency and parameters for future discussions.

USG Visits Press the Need for Action -- NORTHCOM Strategy

17. (SBU) Deputy Secretary Lew, Undersecretary Otero and Assistant Secretary Valenzuela also raised the importance of moving forward on the human rights front during their visits to Mexico (refs B-D), a critical reinforcement from Washington that has helped strengthen our message on the need to move forward quickly on the bilateral working group. In the interim, senior visitors from NORTHCOM and DOD have also contributed in their discussions with SEDENA and SEMAR. We are working closely with NORTHCOM to finalize an integrated engagement strategy for the Mexican military on human rights.

The Ambassador met with General Stutzriem during his visit to Mexico in mid-December to review a draft program that would combine institutional instructions with appropriate soldiering and field training, and offer feedback mechanisms for measuring impact. The Ambassador suggested fine-tuning the strategy to ensure that it would provide the appropriate ground-level training on the specific challenges currently facing the GOM military in the fight against the DTOs. The goal is a comprehensive and sustainable program to help SEDENA modernize and integrate its current military mission on the border with ongoing legal and civilian efforts that prosecute criminal organizations. Unfortunately, the UN's Office of the High Commissioner for Human Rights in Mexico (OHCHR) continues to face obstacles in drawing down the \$1 million Congress earmarked for it to provide human rights training to SEDENA and SEMAR due to the Department's legal

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interpretation of restrictions on using ESF to work with military officials.

Track Two: Working Dialogue with Human Rights NGOs

18. (SBU) After the Ambassador's initial meeting with human rights NGOs in September (ref A), we worked with all of the groups (full list of participants is at para 16) to streamline multiple priorities down to four areas. In parallel, we also sought the SRE's senior level response through informal channels. As SRE registered no objection to the list, we incorporated it into our human rights strategic framework (para. 4-6 above) and used these points for the Ambassador's second meeting with the NGOs. Several NGOs presented their ideas and reactions to the list during the discussion. The priority areas as shared in writing with the NGO reps are as follows:

-- Improving mechanisms within the civilian and military justice system for identifying, investigating, and prosecuting human rights abuses committed by the police and the military.

-- Improving transparency and accountability in the government's response to and treatment of human rights cases.

-- Building trust and strengthening dialogue between the GOM and NGOs to reduce hostility, harassment and threats against those filing complaints of human rights abuses.

-- Identifying benchmarks and joint GOM-NGO mechanisms to track and measure progress on human rights commitments and cases.

The tone of the November 19 meeting was critical of the human rights situation in Mexico, particularly on issues related to the military justice system, but constructive in searching for solutions. Some in the group welcomed the commitment of CNDH President Raul Plascencia to strengthen the organization and improve relations with the NGO community, but there was repeated criticism of the Commission's weak support for and limited assistance to alleged victims, notwithstanding a legal mandate to do much more.

Investigating and Prosecuting Abuses

¶9. (SBU) The Ambassador reviewed recent developments, including Mexico's proposal for a new bilateral human rights forum, its agreement to a defense-defense working group, and efforts at NORTHCOM to develop a comprehensive program that would help strengthen and expand human rights training for the Mexican military. NGO representatives expressed concern about impunity for abuses committed by the military, noting numerous cases in which the military was hiding behind the military's tribunal or "fuero militar" and arguing that the military should not preside over cases involving civilians. While some conceded that it would be unrealistic to expect a shift from military to civilian courts on these cases, others called for an open discussion of the challenges facing the military and an examination of military training. The Ambassador noted U.S. efforts to improve transparency in military tribunals and training to improve coordination with civil and legal authorities along the northern border to prosecute drug trafficking organizations. The human rights community sought clarification on specific cases and pressed for improvements in judicial institutions.

Improving Transparency

¶10. (SBU) NGO representatives also stressed the need for greater transparency from the GOM in the investigation and prosecution of human rights cases. While the (FOIA Mexican equivalent) Federal Institute of Access to Public Information (IFAI) had a role to play, other institutions, like the CNDH

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could play a much more active role in holding judicial authorities, including military tribunals, more accountable. CNDH was not living up to its legislative mandate in providing support and assistance for victims, often encouraging them to not file an official complaint, and doing little to provide a liaison function with legal authorities. One representative noted that there is a limited number of military and legal personnel that were responsible for a large number of violations. He suggested CNDH create a database of police and military personnel who had been accused of violations. The Ambassador agreed that a centralized system that could fairly register abuses and key developments would be helpful and that the CNDH could use its authority to gain access to military bases and help investigate certain alleged violations in a more systematic and transparent way.

Protecting Human Rights Defenders and Tracking Commitments

¶11. (SBU) The group emphasized the need for the government to do more to protect human rights defenders as well as witnesses to abuses. Presently, victims and witnesses assume the burden of proof and face threats and intimidation. With penal code and procedural code reform legislation still pending, there is no witness protection or restitution at the federal level, and only a couple of states have incorporated it in their own legal reforms. Since organized crime is

prosecuted only at the federal level, victims and witnesses are left unprotected from such crimes, including those involving human rights violations.

¶12. (SBU) The group recommended that the GOM take concrete steps to protect human rights defenders including sanctioning abusers. There also was consensus in the group in support of strengthening the CNDH by legally obliging government entities to implement CNDH recommendations, as CNDH President Plascencia has suggested. There was a consensus suggestion that the OHCHR in Mexico be invited to the next meeting to discuss the UN's recent report on attacks and intimidation against human rights' advocates.

Track Three: Civic Activism Against Violence

¶13. (SBU) Our work on this front has been active and important, but is in jeopardy because of interagency funding flows. Without access to FY 08 money that has already been appropriated, we will not be able to support some of the leading groups that are making critical contributions on this front. The objective is to create a shared civic consensus on the need to employ the functions of state, military authorities and civil society to resist and stop violence. Success demands that rejection of violence become a national cause. Some of this is already emerging, with new elements in civil society working together and building support against violence (e.g., Mexico SOS, Mexico Unido Contra la Delincuencia (MUCD), Comité Nacional de Consulta y Participación de la Comunidad en Seguridad Pública (CONSEGU), Iluminemos Mexico, Centro de Estudios e Investigación en Desarrollo y Asistencia Social (CEIDAS)).

¶14. (SBU) We are working with many of these groups on comprehensive efforts that will stimulate civic activism, engage responsible law enforcement, help future efforts, increase effectiveness, and reduce the risk of incidental violations. We incorporated several of these groups in round tables or outreach events with Deputy Secretary Lew, Under Secretary Otero and Assistant Secretary Valenzuela during recent visits to Mexico. Some of the illustrative projects we have been working on include a "majoring project" with Iluminemos Mexico that will further the work of mobilizing civil society against kidnapping and other forms of violence.

USAID has supported two Citizen Participation Council Forums, which work to support the culture of lawfulness by raising public awareness. USAID also funds modern media and web technology as a mechanism for citizens to direct complaints to the appropriate justice sector authorities, and supports a citizens' web-based project that has built a

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secure system for anonymous tips from citizens on acts of violence.

Comment

¶15. (SBU) We have made considerable progress in developing a human rights strategy that is integrated into our larger efforts to deepen our relationship and expand our cooperation across the board. We are working with the GOM and the human rights community to build a constructive program, but there is still some resistance that we will have to overcome. On the official side it will be slow progress with the military, a conservative institution that resists change even as it solicits help to modernize. While SEDENA is engaging on human rights, our challenge is to help move it beyond carefully limited pronouncements and to support changes in soldiering and field training to address the problem. With the NGO community, we will also need to encourage practical initiatives that translate the witnessing and work on alleged violations into constructive initiatives that will help build

a more responsible and effective civil society. Our work with civic participation groups is the final piece, and for that we will need to deliver already approved funding to USAID from INL that can help support and sustain this critical element. End Comment.

Participants in November 19 HR Working Dialogue

¶16. (U) In addition to the regular NGO participants listed below, we invited Maureen Meyer from the Washington Office on Latin America, on an official visit to Mexico, to join our November 19 discussion. The Ambassador and the following offices/agencies participated in the discussion: Political Section (POL), Agency for International Development (AID), Narcotics Affairs Section (NAS), Drug Enforcement Agency (DEA), Department of Justice (DOJ), Office of Defense Cooperation (ODC), Public Affairs Section (PAS), and the FBI -- Legal Attache (Legatt). Representatives of the following NGOs are participating in our working dialogue on human rights on a regular basis and were represented at the November 19 meeting:

--The Fray Francisco de Vitoria Center for Human Rights focuses on cases in front of the International Criminal Court, executions, freedom of expression, migration, the death penalty, political prisoners, racism, and torture. They also publish information on human rights in Mexico.

--The Miguel Agustin Pro Juarez Center for Human Rights is an internationally recognized NGO dedicated to promoting respect for human rights in Mexico. The Center focuses on monitoring and analyzing the human rights situation in Mexico, assessing and documenting cases of violations, litigating cases domestically and internationally, educating and training other civil society organizations, and publishing information related to human rights in Mexico.

--The Tlachinollan Mountain Center for Human Rights is an NGO based in Tlapa de Comonfort, in the State of Guerrero, that supports indigenous people and has promoted and defended the rights of indigenous communities in Guerrero for more than 13 years.

--The Center for Research and Analysis Fundar works at the national and international level to address a broad range of contemporary issues through budget and policy analysis. It focuses on budgets, poverty reduction programs, health sector policies, legislative monitoring, the right of access to information, monitoring of law enforcement agencies, and oversight of human rights agencies and policy.

--The Citizen's Council for Public Security and Justice focuses on public security and aims to improve results from public security and penal authorities.

--The Mexican Commission for the Defense and Promotion of Human Rights tracks issues related to military justice, due

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process, transnational justice, and violence against women.

--ProDerecho is a contractor financed by USAID that funds a multidisciplinary group with activities focused on strengthening and consolidating legal institutions. The ProDerecho staff specializes in diverse areas of the justice system and implementing new criminal justice reforms.

--Citizen Network for Security with Justice focuses on judicial processes and the transition from an inquisitorial to an accusatory system in the implementation of oral trials.

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